

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2332  
 SPONSOR: Senator Clary  
 SUBJECT: Motor Vehicles  
 DATE: March 7, 2002      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McAuliffe	Meyer	TR	Favorable
2.	_____	_____	CA	_____
3.	_____	_____	FT	_____
4.	_____	_____	AGG	_____
5.	_____	_____	AP	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill repeals all fees for a long-term parking permit for disabled persons, with the exception of a \$1.50 processing fee for tax collectors and \$1 fee for an additional permit. The bill leaves the fees for a temporary parking permit intact. The bill further provides any person who qualifies for a free disabled veteran license plate may purchase an additional license plate for \$10, and authorizes certain advanced registered nurse practitioners and physician assistants in Veterans' medical facilities to certify a person as disabled for the purposes of acquiring a parking permit for disabled persons.

This bill substantially amends sections 320.084 and 320.0848 of the Florida Statutes.

**II. Present Situation:**

On November 14, 2001, a Circuit Court Judge in Miami ruled the required payment of a fee for a disabled parking permit as set forth in s. 320.0848, F.S., violates Title II of the Americans with Disabilities Act. The court further ruled the Department of Highway Safety and Motor Vehicles (DHSMV) is enjoined from requiring the payment of any fee for a disabled parking permit from future permit applicants, and required DHSMV to reimburse those who have paid the fee since January 26, 1992, plus interest. The State of Florida has appealed the Circuit Court Judge's ruling on February 25, 2002. These court proceeding apply only to parking permits for persons with long term disabilities (four year placard) and not for temporary permits.

Section 320.0848, F.S., provides for the issuance of parking permits, for both long-term and temporarily disabled persons. The section provides that to be considered for a parking permit for disabled persons, either long-term or temporary, the applicant must be legally blind or have a condition which renders them unable to walk 200 feet without stopping to rest. Such conditions

are the inability to walk without an assistance device, the need to permanently use a wheelchair, respiratory disease, the use of portable oxygen, cardiac condition, or arthritic, neurological, or orthopedic condition.

The section provides certification of such a disability must be provided by a physician, podiatrist, or an optometrist licensed in Florida, or by the Adjudication Office of the United States Department of Veterans Affairs. Further, an out-of-state physician may certify patients as disabled if the application is accompanied by documentation of the physician's licensure in the other state and a form signed by the out-of-state physician verifying his or her knowledge of Florida's eligibility guidelines.

The fee for a long-term parking permit is \$15 for each initial 4 year permit or renewal. Of these funds, the State Transportation Trust Fund (STTF) receives \$13.50 and the county tax collector which processed the transaction receives \$1.50.

The fee for an additional long-term parking permit is \$1.00 which is deposited into the STTF. For qualifying disabled veterans, the fee for an initial 4-year permit or renewal permit is \$1.50 and the fee for additional 4-year permits or renewal permits is \$1.00. The tax collector of the county in which the fees are collected retains all funds collected for permits issued to qualifying disabled veterans. For recipients of supplemental social security income, the fee for an initial 4-year or renewal permit is \$9.00, of which \$6.75 is distributed to the State Transportation Trust Fund, and \$2.25 is retained by the tax collector of the county in which the fees are collected.

Section 320.0848, F.S., provides the temporary parking permit may be issued for the period of the disability as stated by the certifying physician, but may not exceed one year. The section further provides a temporary parking permit for a disabled person must be a different color than the long-term permit (the long-term placard is blue, the temporary placard is red), and, similar to the long-term permit, must display the permit expiration date, the state identification or driver's license number of the permit holder.

The fee for a temporary parking permit for disabled persons is \$15. From these proceeds:

- \$3.50 is distributed to the Department of Highway Safety and Motor Vehicles to implement the real-time disabled parking permit database and to administer the parking permits program;
- \$2.50 is distributed to the tax collector for processing the application;
- \$4 is distributed monthly to the Governor's Alliance for the Employment of Disabled Citizens to improve employment and training opportunities for disabled persons, with special emphasis on removing transportation barriers;
- \$5 is distributed monthly to the Transportation Disadvantaged Trust Fund to fund matching grants to counties to improve the transportation of disabled persons.

Section 320.084, F.S., provides for free license plates for certain disabled veterans. DHSMV Procedure RS-17 authorizes the issuance of additional Disabled Veteran license plates by charging the registration tax as required in s. 320.08, F.S., and applicable service fees. Section 320.06(1)(b), F.S., provides the replacement fee for a license plate is \$10.

### **III. Effect of Proposed Changes:**

Section 320.084, F.S., is amended to provide any person who qualifies for a free disabled veteran license plate may purchase an additional license plate for the cost of an additional license plate (\$10) as provided in s. 320.06(1)(b), F.S.

Section 320.0848, F.S., is amended to expand the statutory list of persons qualified to certify a person as disabled for the purposes of acquiring a parking permit for disabled persons to include an advanced registered nurse practitioner in a facility operated by the United States Department of Veterans Affairs under the protocol of a licensed physician, or by a licensed physician assistant in a facility operated the by United States Department of Veterans Affairs.

A physician's assistant is defined in sections 458.347 and 459.022, F.S., as a person who is a graduate of an approved program or its equivalent or meets standards approved by the boards and is licensed to perform medical services delegated by the supervising physician. An advanced registered nurse practitioner is defined in s. 464.003, F.S., as any person licensed in this state to practice professional nursing and certified in advanced or specialized nursing.

The section is further amended to repeal all fees for a long-term parking permit for disabled persons, with the exception of a \$1.50 processing fee for tax collectors. The bill leaves the fees for a temporary parking permit intact.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Economic Impact and Fiscal Note:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

Persons with disabilities applying for, or renewing, their long-term parking permit will not have to pay the \$15 fee.

**C. Government Sector Impact:**

According to DHSMV, this bill will decrease revenues deposited into the STTF on a recurring basis due to the elimination of the 4-year disabled parking permit fees. During the first three years of the four year permit cycle, revenues will decline by approximately \$2.5 million per year. During the last year of the cycle, the revenue decrease will approximate \$5.2 million. Further, providing an additional license plate to certain disabled veterans at a reduced cost will decrease the State Transportation Trust Fund revenues by approximately \$16,000 per year. This bill will also require contracted programming modifications to the Motor Vehicle Software Systems at an estimated cost of \$13,500 to implement.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The provision in this bill which authorizes certain advanced registered nurse practitioners and physician assistants in Veterans' medical facilities to certify a person as disabled for the purposes of acquiring a parking permit for disabled persons is identical to the provision in HB 561 which has passed both houses of the legislature and has been presented to the Governor. While the language is identical, it is inserted in different place in the section; however, the effect of the provision is the same.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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